Red Tape Reduction
Final Report

September
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Red Tape Reduction
Final Report

NOVA SCOTIA

September 2004

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Enclosed is the final report of the Red Tape Reduction Task Force.

When I struck this committee in 2000, I charged its members with the task of meeting with leaders of businesses, both large and small, and with individuals from across the province to recommend ways in which the province could eliminate or avoid red tape. The task force was asked to concentrate on areas where red tape delays or stifles business development and prosperity.

The task force delivered a number of recommendations, many of which our government has already addressed.

First and foremost, I want to thank David J. Grace, a prominent Nova Scotia entrepreneur, for volunteering to chair the task force. As well, my thanks to the MLAs who served on the committee during its lifetime: Barry Barnet, Jon Carey, John Chataway, Bill Dooks, Richard Hurlburt, David Morse, and Brooke Taylor. Last but not least, I want to thank all the men and women who met with the task force or who shared their thoughts through telephone calls, e-mails, faxes, and letters. Everyone who took part in the process should be proud of the end result.

Despite changes in the makeup of the team, the task force never wavered in its duty. I believe it has completed its mandate and delivered over and above what was originally intended. It has left a legacy of regulatory review for effectiveness and efficiency that will be used for many years to come.

John Hamm

The Honourable John Hamm, MD

Premier of Nova Scotia

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Executive Summary

Red tape is unnecessary, uncoordinated, or unjustifiable requirements, restrictions, compliance, implementation, or overly burdensome administrative costs that impede business development, economic growth, and job creation.

In May 2000, Premier John Hamm made red tape reduction a priority by striking the Red Tape Reduction Task Force. He charged the task force of MLAs, chaired by a prominent Nova Scotia business leader, to meet with individuals and business leaders across the province to hear, first hand, how outdated or cumbersome legislation and regulations slowed business development.

The end result was not to be a one-time fix; the goal was to establish a red tape avoidance "culture" in the province.

The Red Tape Reduction Task Force heard of many instances where legislation and regulation impeded prosperity. In some cases, it was the way that the provincial government operated; in other instances, the problem was inconsistencies or conflicts between federal, provincial, and municipal jurisdictions.

Over the course of two years, the task force instigated reviews of legislation and regulation in many departments and their respective agencies, boards, and commissions. Other changes within government, including the realignment of departments had also begun, supporting the government's new corporate culture.

To date, 35 acts and 112 regulations have been reviewed; 5 acts were repealed, 14 were updated, and another 15 remain under review. Six sets of regulations were repealed, 30 were simplified, and 19 others remain under review. Four commissions were eliminated, and several boards were merged to become single entities with broader authority.

Every time a department proposes changes to legislation or regulations, a tool developed by the task force (the Red Tape Reduction Checklist) is used to determine how the changes will address the issue at hand and whether regulation is the most appropriate policy instrument, to consider alternatives to legislation and regulation, to review the impacts and benefits of the proposed regulation, and to confirm that stakeholders have been consulted. It also examines whether similar regulations exist in other departments and other jurisdictions.

Departments with regulations affecting business must include red tape reduction plans in their annual business plans and report annually on their progress. This places the onus on departments to ensure better, more efficient, and up-to-date regulations and administrative processes.

The efforts of government to reduce red tape for business are paying off, as the following examples show.

- **Nova Scotia Business Registry (NSBR).**

  Through the Nova Scotia Business Registry (NSBR), business owners can register a firm, apply and pay for licences, or change corporate information filed with the province and its agencies and the Canada Revenue Agency, 24 hours a day, seven days a week. Using secure database technology, client information is now automatically channelled to the appropriate organization, resulting in streamlined licensing, reduced paper burdens, more current information, and faster processing of applications.

- **Improved services.**

  Online services have expanded greatly, over and above the NSBR. Personal service is available in more locations. Service Nova Scotia and Municipal Relations added Express Kiosks in nine counties, enabling online and telephone access to departmental information and business transactions. Offices have been consolidated, resulting in "one-stop shopping" for government services in many instances and more cost-effective operations.

  In Education, student loan applications submitted online are processed faster, often within one or two days. The online system guides students through the form, prompting them for information and virtually eliminating delays resulting from incomplete applications. (In the past, about half of all paper applications were delayed because of missing information.) By 2003, more than 90 per cent of student loan applications were submitted online.

- **Modern payment options.**

  More government offices are now equipped to accept debit and credit cards.

- **Improved enforcement.**

  New inspection management and scheduling tools were introduced to align inspection frequency with perceived levels of risk, and standardized qualifications for service providers were established. The result is improved public safety.

- **Better access to government information.**

  Businesses and individuals should find it easier to determine who to call for help or information regarding government departments, programs, and services. Service Nova Scotia and Municipal Relations' call centre directs telephone inquiries to the relevant office and the Nova Scotia government's Ask Joe Howe Internet search tool makes it much easier to locate online information. A new Internet resource, Government Administrative Histories Online, explains government structure, how it functions, and the evolution of departments.

Initiatives such as these have made it easier and less costly for Nova Scotia businesses to comply with regulations and interact with government.

The Red Tape Reduction Task Force has completed its mandate as set out in 2000. It has suggested ways in which the government can reduce red tape, and the government has implemented most of these recommendations.

The red tape reduction culture will continue. The office of the Treasury and Policy Board (TPB) will continue its oversight role, offering individuals and businesses a contact point to raise concerns about red tape in government. Departments will be asked to investigate complaints and report back to TPB.

Background

On May 11, 2000, Premier John Hamm announced the formation of the Red Tape Reduction Task Force.

The task force was mandated to make recommendations that would eliminate unnecessary red tape that delays or stifles business development. In essence, the task force was directed to identify how to improve both the province's regulatory system and how it is administered.

To fulfil its mandate, the task force met with business leaders and operators across the province, both one on one and in public meetings; talked with government counterparts in other jurisdictions regarding their efforts to reduce red tape; and, on November 21, 2000, tabled 12 recommendations for consideration. Of the initial 12 recommendations, 10 have been acted upon.

After its initial report, the task force monitored changes instituted by the province. In October 2001, the Red Tape Reduction Task Force tabled a second progress report that introduced a additional recommendations which were also well-received by government.

This second set of recommendations was designed to establish an ongoing legacy of regulatory review practices and tools. The Red Tape Reduction Checklist, a regulatory impact analysis tool developed by the task force, has proven to be very effective. On the recommendation of the task force, red tape reduction has been integrated into government's business planning and accountability reporting processes.

Why Red Tape Reduction Is Important

The Cost of Regulation

The cost of red tape for government—and for taxpayers—is substantial.

According to the Fraser Institute, more than 117,000 new federal, provincial, and local regulations were enacted between 1975 and 1999, an average of 4,700 each year. During the 1997–98 fiscal year, governments in Canada spent $5.2 billion administering their regulatory activities. Governments' costs to administer and enforce regulations are borne by the taxpayer; and business passes on the cost of regulatory compliance to the consumer. The total cost to Canadians to comply annually with regulations from all levels of government is an estimated $103 billion (12 per cent of GDP).

Moreover, a study conducted by the Organisation for Economic Co-operation and Development demonstrates that the cost is disproportionately high for small and medium enterprises (SMEs):

> *Administrative compliance costs represent approximately 4 per cent of Business Sector GDP across the countries surveyed. On average, each SME declared that it spent on average US $27,500 per year complying with the administrative requirements of tax, employment, and environmental regulations. Companies used a mix of internal and external resources to comply with regulations. Approximately 56 per cent of these costs were external, usually contracted out to experts ... Regulatory and formality costs have an increasingly disproportionate impact on smaller companies. Small SMEs (with 1–19 employees) spent US$ 4,600 per employee; medium-sized SMEs (with 2–49 employees) spent US$1,500 per employee per year. Larger SMEs (with 50–500 employees) spent an average of US$900 per employee.*

These statistics are especially troublesome for a province such as Nova Scotia. Small business is the very backbone of our economy. Therefore, the importance of modernizing our regulatory environment in Nova Scotia cannot be overstated.

The Need for Regulation

Regulations are not developed to slow business growth and job creation. They are usually responses to demands from the public or advocates such as business or labour. They are just one tool that government can use to level the playing field, protect consumers, and place the onus on businesses to prevent problems before they occur.

It is in the best interest of business to ensure workers' safety and to avoid environmental harm. In economic terms, regulations can save potential liability or environmental cleanup costs. Productivity generally drops if a worker is injured or ill; and employers face significant costs when they backfill positions for missing staff. In human terms, regulations can save much more—they can save lives and preserve health.

For the most part, regulations are an effective instrument. But over time, conditions change as do public demands. Globalization has resulted in changing rules for trade and commerce and increased competitiveness. With new technologies, there are opportunities to enter markets previously protected or held by monopolies. In these instances, economic regulations that restricted market entry may no longer be appropriate. Increasingly, goods and services are subject to international standards.

As information, knowledge, and science improves, public attention to environmental issues has grown. While business is more fluid, doing business in a global market is more complex. For example, offshore customers want to see sustainable forest practices in place before they purchase lumber.

In response to these and other changing conditions, all levels of government have put a priority on developing new regulations without necessarily updating or eliminating redundant regulations.

The pace of change is outweighing the ability of governments to amend, eliminate, or introduce new laws and regulations. The process of developing, reviewing, revising, and repealing existing laws regulations is slow, onerous, and resource intensive. Governments are learning that highly prescriptive regulations do not always solve the problem they were intended to address.

Nova Scotia has been slow to consider alternative instruments such as voluntary compliance, codes of practice, self-regulation, quality assurance programs, etc. For the most part, our regulations continue to be highly prescriptive rather than outcome-based; Nova Scotia government departments have limited resources to dedicate to regulation review and development.

The challenge now is to set a new red tape reduction agenda that addresses the complexities of sustainable development and business environment in this highly competitive, global economy. Balancing the need to protect the environment, promote healthy communities and preserve public safety with the need for a vibrant economy is the ultimate goal.

Regulatory Reform

Many G8 countries are improving their regulatory processes, consulting with stakeholders earlier and throughout the rule-making process, crafting performance-oriented regulations, and using a mix of regulatory and non-regulatory instruments.

In the fall of 2002 the Government of Canada confirmed its commitment to "smart regulations" in its Speech from the Throne: "We need regulations to achieve the public good, and we need to regulate in a way that enhances the climate for investment and trust in the markets. The Government of Canada is moving forward with a smart regulation strategy to accelerate reforms in key areas to promote health and sustainability, to contribute to innovation and encourage economic growth, and to reduce the administrative burden on business."

In early 2003, the Prime Minister established an External Advisory Committee on Smart Regulation to provide expert advice to the Government of Canada on regulatory issues spanning economic and social policy objectives, and the 2003 federal budget allocated $4 million to the committee.

To support the External Advisory Committee, a federal-provincial-territorial working group administered a cross-country questionnaire to identify areas where joint regulatory reform would be most beneficial. The results indicate that most governments have attempted regulatory reform. Although most began over the past five years or so, some efforts date back to the late 80s and early 90s, focusing on regulations affecting business with an emphasis on "red tape" reduction or regulatory streamlining.

An appropriate regulatory framework can contribute to cost savings, both for business and government. Like other jurisdictions in Canada and other G8 countries, the Nova Scotia government is improving the efficiency of its operations and fine-tuning its administrative while improving the quality of and access to its services. Eliminating the red tape that impedes business growth improves the province's economy by fuelling job growth and overall prosperity.

Nova Scotia's overall business climate is currently ranked fourth best compared to the other provinces. According to a Statistics Canada's November 2003 report *Provincial and Territorial Gross Domestic Product (GDP)*, Nova Scotia's economy grew at a higher rate than the national average. Nova Scotia's GDP grew by 4.4 per cent in 2002, compared to the national growth rate of 3.3 per cent. In 2001, Nova Scotia's GDP grew by 2.6 per cent, compared to the national growth rate of 1.9 per cent.

In August 2003, Standard and Poor's Rating Services upgraded Nova Scotia's financial outlook to A-minus positive from A-minus stable. Dominion Bond Rating Service also upgraded the province's rating.

Progress since 2001

Recommendations and Actions

A number of initiatives implemented since the 2001 Red Tape Reduction Task Force Progress Report demonstrate the government's ongoing commitment to reducing red tape and improving Nova Scotia's business climate. As in the progress report, the examples are grouped by the recommendation they complement.

Improving Access and Correcting Inefficiencies

Recommendation #1

Develop a "single-window access" system for the public and for business.

Access to services has improved considerably, with more services available in more locations throughout the province.

The Nova Scotia Business Registry (NSBR) offers the business community an electronic service window to handle many of their licence, registration, and permit requirements with Service Nova Scotia and Municipal Relations (SNSMR), the Nova Scotia Workers' Compensation Board (WCB), the Canada Revenue Agency, and the Department of Environment and Labour. By March 2003, the NSBR had almost 1,600 subscribers and had processed approximately 150,000 transactions. Workers' Compensation Board clearance letters are instantly available online, virtually eliminating delays associated with calling to request that a clearance letter be sent by mail. Fuel safety licences became available through the NSBR in 2003. The list of licences available through the NSBR continues to grow.

In addition, SNSMR added Express Kiosks to its Registry of Deeds offices in Port Hood, Pictou, Amherst, Liverpool, Shelburne, Weymouth, Lawrencetown, Guysborough, and Baddeck, offering online and telephone access to government information and services.

In 2002–2003, the Registry of Motor Vehicles (RMV) added new part-time counter service in Windsor and Sheet Harbour and extended service hours in Guysborough, Liverpool, and Shelburne. Better local service means less time spent travelling to RMV offices and faster turnaround for rural clients.

Office consolidations were not limited to RMV services. Access Nova Scotia offices were opened in Port Hawkesbury and Amherst.

In Yarmouth, SNSMR consolidated its Assessment Services, Access Nova Scotia, and RMV offices into one location. The northern region Land Information Centre moved into the Pictou County Registry of Deeds.

Recommendation #2

Develop e-government as a tool in the single-window access system.

Online services continue to expand so that businesses can access more government services, both at the government office and at home via the Internet. Transactions can be completed with just a few clicks and keystrokes.

Online services were expanded, most notably through NSBR. Through NSBR, businesses can reserve an operating name, obtain their business account numbers, register with federal and provincial government agencies, and obtain a variety of permits that might be needed to operate a business. This has simplified the business registration process, reduced the time it takes to register a business, and cut red tape. In fact, Nova Scotia is the only jurisdiction to have successfully integrated licensing, registration, and permitting with the Registry of Joint Stock Companies, the Canada Revenue Agency, Workers' Compensation Board and other provincial business licences in real time.

By the end of 2003, Service Nova Scotia and Municipal Relations was offering a variety of online services for businesses and citizens, including, but not limited to, renewing vehicle registrations, providing a change of address, booking and paying for driving tests, requesting birth, marriage and death certificates, registering lobbyists, locating gas stations (especially for finding full-service facilities required by the disabled or senior motorists), and requesting special move permits for commercial truckers. SNSMR also set up an online service where people could pay overdue Halifax Regional Municipality parking tickets.

In 2002–2003, SNSMR piloted a municipal access website to provide greater convenience and more timely access to assessment information. The web-based enhancements have increased access to internal data for property owners and internal staff and have improved the turnaround time for various forms of inquiries.

Effective 2003, status Indians no longer need to keep their receipts for fuel purchases made on a reserve. Service Nova Scotia and Municipal Relations has installed a point-of-sale system at gas retailers who operate on reserves. An eligible customer swipes his/her driver's licence through a card scanner, as in a credit card sale. The scanner reads the information contained in the magnetic stripe on the back of the licence and verifies that the master number on the licence is in a database of people who are eligible to purchase provincial fuel tax exempt. It then deducts the tax from the purchase price. The system also calculates the refund due to the retailer, who must pay fuel taxes when buying from the wholesaler.

The Department of Education introduced online student loan applications in June 2001 and by 2003, 90 per cent of students were applying online. Turnaround time is much better, often only a few days. At peak times, processing an online application takes only a week, compared to three to four weeks for a paper application. Moreover, the online system is more user-friendly than the paper application form. It guides applicants through the form, prompting them only for relevant information. For example, if an applicant indicates that he or she does not have children, no further questions regarding dependants appear.

The number of applications that are returned because of incomplete information is falling. About half of all paper applications are delayed because of missing information; online applications are submitted only when all relevant information has been keyed in. The online process also makes future applications faster and easier by carrying forward information from one year's application to the next. To complete the process, applicants fax or mail a signed consent form (which they automatically receive by e-mail or Canada Post) allowing the department to confirm their income information from the Canada Revenue Agency. New features, such as e-mail reminders to apply for the student debt reduction program at graduation time, are under development.

In 2003, changes to the Personal Property Security Act were passed that enabled the province to build an Internet-based search tool for the Personal Property Registry. Currently, consumers can search the registry online but only at a Registry of Deeds office. The new service—due in mid-2004—will make it easier for consumers to check for liens against items such as cars or boats before they conclude a purchase.

In 2002, the Department of Agriculture and Fisheries extended online access to its business management library to people involved in these important industries.

Recommendation # 3

Revive the original concept of Access Nova Scotia serving business customers.

Service Nova Scotia and Municipal Relations (SNSMR) is becoming the "service window" for many government services and interactions with the business community. Designing services based on client needs is SNSMR's mission. Overall, government employees are better trained to help companies navigate the rules and regulations that affect business.

In 2002–2003, Service Nova Scotia and Municipal Relations conducted a review of its existing business and financial processes. An earlier national survey showed that 83 per cent of SNSMR's clients were satisfied or very satisfied with its services, compared to a national average of 78.8 per cent. The surveys are used to determine SNSMR's effectiveness and to improve its employee training and future service enhancements.

Recommendation #6

Establish one-stop business registry for businesses.

The Nova Scotia Business Registry fulfills this recommendation. It melds business registration with provincial and federal agencies with online application and payment for business licences.

Business asked for a simpler registration and licensing process, and the Nova Scotia Business Registry was the answer. It is an award-winning online service that gives existing and beginning businesses access to government services

when and where they want them. From any computer with an Internet connection, a business owner can register the firm; apply for, pay for, and renew business licences; and view and update business information. Using secure database technology, client information is channelled to the appropriate government organization automatically, be it a provincial government department, the provincial Workers' Compensation Board, or the federal Canada Revenue Agency.

Licences, Permits, and Approvals

Recommendation #4

Complete the implementation of the licences, permits, and approvals process.

The licences, permits, and approvals (LPA) system has been significantly overhauled, and many of the recommendations of the 1997 Licences, Permits, and Approvals Task Force have been implemented.

A host of licences and permits that would otherwise be issued by several departments and agencies are now available through NSBR, thus improving accessibility and convenience for the business and individual consumer. As the central delivery agency, SNSMR continues to expand the number of licences, permits, and registrations issued under its administration on behalf of other departments. Elevator and lift licences, fuel storage permits, and hunting and fishing licences are recent examples.

The Land Registration Act, proclaimed in 2002, provides the foundation for a new Nova Scotia land titles system that will guarantee title for landowners for the first time in history.

The new electronic and parcel-based land registration system went into operation in Colchester County in March 2003.

Amendments to the Land Registration General Regulations were made by the Governor in Council (OIC #2003-533) in December 2003 to roll out the act to Annapolis, Digby, Hants and Kings counties in March 2004; to Halifax county in December 2004; and to Cape Breton, Guysborough, Inverness, Lunenburg, Queens, Richmond, Shelburne, Victoria, and Yarmouth counties in March 2005.

In May 2003, the Cape Breton Regional Municipality, the Halifax Regional Municipality, and the province signed an agreement to share civic address and mapping information, assessment data, and other property-related and geographic information, such as building locations and property boundaries. This will save taxpayers money, reduce red tape, and improve efficiency.

The Departments of Natural Resources and Environment and Labour jointly instituted a one-window process for reviewing, permitting, and monitoring mineral development projects.

Expanding Payment Options

Recommendation #5

Allow businesses to pay by debit and credit cards.

More government offices are now equipped to accept debit and credit cards. The Nova Scotia Liquor Corporation expanded its payment options for restaurants, bars, and other licensees to include credit card payments. This has been well received by the tourism and hospitality industry.

Service Nova Scotia and Municipal Relations offers this payment option. For example, offices of the Registry of Motor Vehicles, Registry of Deeds, Registry of Joint Stock Companies, and Vital Statistics accept debit and credit cards.

Better Regulations

Recommendation #7

Enforce regulations, but do not treat businesses as adversaries.

Regulations sometimes take a "one-size-fits-all" approach to addressing an issue, without considering that compliance can have a major impact on a business because of its size or because it is located in a rural setting.

Regulation is not the only way in which government can influence business practices; and in some instances, it may not be the most effective measure available to government. Other options include economic incentives, self-regulation, and awareness and education programs. If, however, regulation is deemed to be the appropriate compliance tool, the regulator's responsibility does not end with the publication of the regulation. It is important that those affected are made aware of the rule or regulation and understand how to comply with it. More and more, regulators are working with those affected through education and problem solving to help business comply with the regulation.

To work well, a good regulation must address the need(s) for which it was developed. It must be understandable and enforceable. Good regulations also encompass, where relevant, concerns about sustainable environment, health and safety of workers, and consumer protection, which are in everyone's best interests.

There is growing international support for alternatives to government intervention; these include voluntary compliance, codes of practice, self-regulation, and quality assurance programs. As well, regulators are beginning to use risk-analysis tools to prioritize inspections, tailoring the inspection to the risk.

In August 2001, the Restaurant and Food Services Association praised the provincial Food Safety Division for moving away from an adversarial enforcement environment to a results-oriented, problem solving approach. According to the Department of Agriculture and Fisheries 2002 Activity and Inspection Summary Report, there has been an improvement in food safety since 2001.

Staff from Tourism, Culture and Heritage staff cross-trained with Canada Select, a voluntary quality-assurance program for the accommodation sector, to conduct joint inspections for accommodation licensing and Canada Select grading. Department staff inspect accommodation businesses to ensure that they are in compliance with provincial standards, while Canada Select inspects and rates participating properties to ensure that they meet consumer expectations.

The Department of Environment and Labour has established a cross-divisional team to assess coordination opportunities for its inspection efforts. A joint inspection process was piloted at a large public entertainment event; an IT solution was developed to schedule inspections; and staff were trained to conduct simultaneous inspections of crane operators, power engineers, and boilers and pressure vessels.

The Department of Environment and Labour is now using a risk-based system for environmental inspection, monitoring, and compliance services. The risk-based assessment model was applied to approximately 75 per cent of existing industrial approvals and all municipal sewage treatment plant approvals. Risk-based scheduling is also being used for occupational health and safety inspections and by the Alcohol and Gaming Division.

The new Fire Safety Act, the amended Fuel Safety Regulations, and the Elevators and Lifts Act incorporate nationally accepted risk-management practices. The changes improve public safety by aligning inspection frequency with level of risk. Risk-based inspections allow for a more cost-effective use of departmental resources.

Amendments to the Cosmetology Act, passed in May 2003, give the Nova Scotia Cosmetology Association the authority to address complaints through a disciplinary process and to inspect places where cosmetology services are delivered.

Better Communications

Recommendation #8

Make public communication a top priority.

During the Red Tape Reduction Task Force consultations, several speakers voiced their frustration with how government changes the names and roles of its departments and agencies, making it difficult for businesses and individuals to track and access programs and services. Businesses need to know where and how to interact with government.

Government communicates with stakeholders in a variety of ways. Discussion papers are circulated before most legislative reforms are drafted. Public meetings are held, surveys conducted, and meetings with stakeholders take place. Committees such as the Red Tape Reduction Task Force and Voluntary Planning travel the province to gain insights into a variety of issues. When legislation is introduced or regulations come into effect, news releases are issued. In an average year, Communications Nova Scotia issues 1,750 news releases and media advisories. Orders in Council, where the Lieutenant Governor signs regulations into effect, are publicized through the Nova Scotia Royal Gazette. Ministers and senior officials present to groups such as chambers of commerce and professional associations on a regular basis.

As well, literally thousands and thousands of pages of information are posted on government websites. To make it easier for people to find the information they need about programs and services, the Government of Nova Scotia introduced Ask Joe Howe, a Google-based Internet search engine. Other levels of government, notably Halifax Regional Municipality, have tapped into this resource on their own websites.

Service Nova Scotia and Municipal Relations' call centre offers a single contact point for individuals and businesses to connect with the province. The call centre channels approximately 400,000 calls a year to a variety of departments and agencies.

Improved Licensing

Recommendation #10

Change licensing rules for restaurants and bars.

The government continues to move toward three-year terms for licences, permits, and approvals (LPA) where it makes sense.

The Alcohol and Gaming Authority revised its licensing regulations so that renewals are required every three years instead of every year, reducing red tape and paperwork for establishments that serve liquor and for ticket lotteries, bingo operators and suppliers, and casino gaming assistants.

Low-revenue charitable bingo operators are now exempt from some licensing and reporting requirements, lowering their operating expenses and letting them retain more of their profits, which are turned over to charities.

Security clearance requirements for casino food and beverage servers have also changed.

Other client service improvements have been made by the Alcohol and Gaming Authority since the task force's last progress report. A faster and simpler online licence application and renewal system was launched, and an automated debit and credit card payment system was introduced.

Updating Regulations

Recommendation #12

Remove out-of-date, unworkable regulations from the books.

For a regulation to work:

- *It must be needed.*
- *Its broader policy objective must be clear.*
- *All measures available to government must be considered.*
- *The proposed measure must be the most effective.*
- *Stakeholders should be given a chance to explain how the proposed regulation would affect them.*
- *Its benefits must outweigh its costs to government, to businesses, and to individuals.*
- *It must stand up to scrutiny and be deemed as fair and enforceable. If it is not enforceable, it should be amended or scrapped.*
- *It must be clearly written, so that it is easy to understand when one is in or out of compliance.*
- *It should reflect regulations in effect municipally, regionally, and federally.*
- *It must have provisions for review or repeal.*
- *Administrative procedures must be efficient and effective.*

Over the past year and a half, aided by the task force's Regulation Criteria Checklist, departments have systematically examined their regulations to identify those that should be eliminated, those that should be harmonized with other jurisdictions, and those that need to be updated.

Action has been taken to clean up out-of-date legislation and regulations. The review process is ongoing, due to the complexity and need for consultation in some cases. By the end of 2003, 34 existing acts, 5 new acts, 112 existing regulations, and 5 new regulations had been reviewed. (See Appendix 1.)

Here are some highlights of the regulatory and policy reviews undertaken by a number of departments.

Department of Agriculture and Fisheries

- The Flock Hatchery Policy and Livestock Breeding Regulations were repealed.
- Six sets of Crop Insurance Plan Regulations were revised, resolving a legal interpretation issue and ensuring that the insurance plans are current with the industry.
- The Farm Registration Act was amended to speed up refund processing by the Nova Scotia Federation of Agriculture.
- The Natural Products Act was amended to transfer the approval of regulations from the Governor in Council to the Natural Products Marketing Council.
- In 2003–2004, the department hopes to combine the Deer Farming and the Game Farming regulations.

Agriculture and Fisheries has eliminated a number of agencies, boards, and commissions that were considered redundant or where their responsibility could be accomplished differently. For example, Governor in Council appointments were eliminated for 16 Fences and Detention of Stray Livestock Committees. The Farm Registration Advisory Committee was abolished, and new responsibilities were assigned to the Farm Registration Appeal Committee. In 2002, the Artificial Insemination Board was eliminated, and its regulations were repealed. New Apple Maggot Prevention and Control Regulations were approved in 2002, providing for the appointment of inspectors and the inspection activity. Amendments to the Maritime Provinces Harness Racing Commission Act that were proclaimed in 2003 eliminated the commission's marketing responsibility.

Department of Environment and Labour

The Department of Environment and Labour is developing proposed amendments to the Environment Act to update, clarify, and strengthen the act. This process was guided by four main objectives:

- refocus resources on areas of greatest risk to human health and the environment
- strengthen the enforceability of the act
- expand the range of environmental management and compliance tools
- incorporate changes required to support current initiatives such as the water strategy.

In 2002–2003, the department also undertook a comprehensive examination of its Environmental Assessment Regulations, which included

- a review of environmental assessment processes in other provinces
- draft proposed amendments
- preparation of a discussion paper to accompany the public review of proposed amendments planned for 2003–2004.

A public review of the proposed amendments took place between December 3, 2003 and January 19, 2004. The draft regulations and a brochure introducing the proposed changes were distributed and comments were received.

Amendments to Environmental Assessment Regulations, shortening the environmental assessment process for most projects from 275 days to 25 days, came into effect in March 2003. Now, unless significant issues are noted, the more-detailed Class 2 assessment is not required.

New underground mining regulations came into force in 2003 that define the duties and responsibilities of employers and employees, establish training requirements and qualifications for miners, and set down technical specifications for safe mine operation.

Environment and Labour's Occupational Health and Safety (OH&S) Division, in concert with the Minister's OH&S Advisory Council, embarked on an ambitious schedule that will see all OH&S regulations reviewed on a five-year cycle. A Manager of Law Reform was appointed to coordinate the review. Already, regulations for temporary workplace committees, occupational diving, violence in the workplace, fall protection and scaffolding, indoor air quality, general blasting, and summary offence tickets have been reviewed.

Proposed amendments to the Workers' Compensation Act were introduced in 2003 to improve access to benefits and services for injured workers. Pension indexing would increase to 55 per cent of the Consumer Price Index (from 50 per cent), and support for workers with chronic pain would become available. Legislation was also introduced to extend WCB benefits to paid and volunteer firefighters who contract specific cancers on the job.

Department of Education

The new Apprenticeship and Trades Qualifications Act came into effect in 2003, giving industry a more direct role in designing and updating apprentice training. New general apprenticeship regulations that would increase training opportunities were developed.

Department of Energy

Eight existing acts could be consolidated in a new Energy Act in 2004–2005, and 18 sets of related regulations would be reviewed in the process.

Through the Atlantic Energy Roundtable, the department identified a need for concurrent project approvals to get energy projects up and running faster. Other environmental assessment changes, such as holding regional strategic environmental assessments to make the individual project assessments more efficient, are also being investigated.

As well, the government will formally address the recommendations the 2003 *Report of the Electricity Marketplace Governance Committee*, while developing the new Energy Act. It is expected that small independent electricity producers will find it easier to connect to the electrical grid and sell their energy.

The Gas Distribution Act was amended to eliminate ministerial approvals for franchise amendments and to establish interim transportation tariffs. Likewise, the new Underground Hydrocarbon Storage Act and Code of Practice provide clear direction on meeting market demand for natural gas and gas liquids.

Department of Natural Resources

In 2001 and 2002, the Department of Natural Resources reviewed the Conservation Easements Act, the Land Holdings Disclosure Act, the Special Places Protection Act, and five Crown lands administration policies.

Under the new Conservation Easements Act, conservation organizations can enter into easements with landowners without government involvement. Previously, each individual easement required an Order in Council.

A new Land Exchange Policy clarifies who is pays for land appraisals, title searches, surveys, etc., and makes the Integrated Resource Management Review a part of all property trade proposals. Also, a policy was developed to speed up responses to requests to use Crown land for agriculture.

DNR reviews all regulations under the Wildlife Act annually because of changing wildlife populations, stakeholder interests, and public demands. This involves the monitoring of wildlife populations, consultations with stakeholders, and feedback from DNR staff.

The Coastal Watercourse Policy was reviewed, resulting in a new Wharves, Boat Ramps, and Moorings on Submerged Crown Lands Policy that streamlines approvals needed for boat ramps, moorings, and wharves.

Office of Economic Development

Amendments to the Co-operative Associations Act and its regulations were proclaimed in November 2002 that address a series of issues that had not been contemplated in the 1977 legislation. It will also streamline government procedures for starting, overseeing, and dissolving co-operatives. Responsibility for the act was transferred from the Office of Economic Development to Service Nova Scotia and Municipal Relations, which already had responsibility for registering businesses and societies.

Service Nova Scotia and Municipal Relations (SNSMR)

Service Nova Scotia and Municipal Relations is now tackling the legislative barriers to electronic commerce and harmonization. Significant progress has been made in developing an authentication policy to make it easier for businesses to honour filing and registration requirements through online services. Nova Scotia is also participating in projects that are intended to harmonize legislation with other Canadian jurisdictions, making it easier for businesses in the province to expand to other jurisdictions. Legislative and/or regulatory changes have already been passed that affect cost-of-credit disclosure, Internet sales contracts, and prohibited collection agency practices.

SNSMR is also exploring alternatives to regulation such as industry self-management for motor vehicle dealers.

Tourism, Culture and Heritage

In 2003, the department worked with the tourism industry to replace outdated regulations. Industry and government agreed that the information needs of the consumer could be met simply by publishing guidelines on accommodation definitions in the Doers and Dreamers Travel Guide and that it was not necessary to do so by regulation.

By combining similar regulations for fixed-roof accommodations and campgrounds, the number of regulations was reduced from 134 to 82. Government involvement in the industry became less intrusive, and operators gained more freedom in the setting of accommodation rates.

Transportation and Public Works

As a result of public consultations, the Red Tape Reduction Task Force concurred with the department's recommendation that commercial passenger vans be required to meet standards for safety. New safety regulations for commercial passenger vans came into effect in January 2003. All public passenger vehicles involved in inter-municipal transport, regardless of size, must adhere to the provincial standard of safety.

Harmonization with Other Jurisdictions

Nova Scotia businesses recommended that the three levels of government work together to eliminate duplication and overlap of regulations among governments and, where possible, to harmonize regulations.

Harmonization would lead to greater consistency across Canada and even among trading countries. It would promote regulatory efficiency and facilitate trade without lowering the level of health and environmental protection afforded by current laws and regulations. Harmonized requirements simplify the complexity of the regulations, simplify training efforts, reduce compliance costs for business, and decrease the likelihood of non-compliance.

The following are some examples of areas in which harmonization with other jurisdictions is being pursued.

Nova Scotia has adopted the National Fire Code and National Building Code. National standards for equipment such as elevators, boilers, gas/fuels, and electrical products have been adopted. Common standards and codes have been adopted for buildings, equipment, and facilities.

A review of the effectiveness of the Canada-wide Accord on Environmental Harmonization, signed by Nova Scotia in 1998, is currently under way.

The Pension Benefits Act was amended in 2002 to harmonize with other jurisdictions, clarify provisions, and address the needs of plan members and sponsors. Outdated regulations were repealed in 2002, while new regulations took effect in 2003.

In June 2003, the Atlantic premiers agreed to establish a regional task force to examine regulatory reforms designed to facilitate greater access to, and affordability of, automobile insurance for Atlantic Canadians. Discussions are under way on harmonizing insurance within the Atlantic region. It is hoped that harmonization could lead to reduced costs for industry and consumers, as well as promoting co-operation and uniform decision making among the Atlantic provinces.

As part of the Atlantic Provinces Harmonized Trucking Strategy, Nova Scotia is working with New Brunswick, Prince Edward Island, and Newfoundland to harmonize the policies and procedures that deal with transporting oversized and overweight loads within the Atlantic region. Two documents were released on April 25, 2003, outlining proposed changes for oversized loads. The result will be more-efficient transportation of goods in the Atlantic provinces, which means increased economic prosperity for Nova Scotia and for Atlantic Canada. The first paper, *Atlantic Regional Special Permits—Proposed Conditions for Movement of Overdimensional Indivisible Vehicles and Loads*, makes recommendations for setting up special permits to transport oversized loads in Atlantic Canada.

In October 2003, the Minister of Justice introduced the Court Jurisdiction and Proceedings Transfer Act legislation, which will reduce red tape in commercial litigation and other civil matters by allowing transfers of court cases from one province to another. It will also allow the Supreme Court of Nova Scotia to transfer cases to and from other jurisdictions. The provinces are taking a common approach to commercial law and enforcement of legal rights. In the long run, this approach will benefit consumers, investors, and business owners by making it easier to do business across Canada. The Nova Scotia legislation is part of the commercial law strategy of the Uniform Law Conference of Canada, which was released after consultations with governments, business groups, law reform organizations, and academics. The goal of the strategy is to modernize and harmonize commercial law in Canada. Harmonization can reduce the time and expense of litigation.

Recommendations Not Accepted

The 12 recommendations were generally well received; only two recommendations were not accepted by government: allowing Sunday shopping and deregulation of the bus system.

Recommendation #9

Empower municipalities to set their own retail hours.

Many municipalities expressed concerns that an uneven playing field would be created and that there would be a negative economic impact on rural communities if urban retail centres were open on Sundays.

A number of industry associations surveyed their members with varying results. According to the Metropolitan Chamber of Commerce 2001 survey of its members, 83 per cent of its members were in favour of deregulated hours. However, the Canadian Federation of Independent Business, representing the majority of small- and medium-business operators in Nova Scotia, reported in 2001 that many of its members opposed Sunday shopping. A petition from unionized workers in the retail sector also opposed Sunday shopping.

The tourism industry argues that the business operators, not the provincial nor municipal levels of government, should have the ability to decide their own hours of operation based on customer and market demand. They questioned why one sector's hours of operations are regulated, while other sectors are not regulated and are free to set their own hours.

The government did pass legislation allowing a six-week trial of Sunday shopping in 2003, and a plebiscite on the issue will be included in the October 2004 municipal elections. Amendments to Nova Scotia's business and labour legislation addressed issues surrounding Sunday shopping, including a worker's right to turn down Sunday work without penalty and a business's right not to be forced to open on a Sunday.

Recommendation #11

Deregulate the bus system

The bus industry in Nova Scotia has been governed by both economic and safety regulations since 1923. Economic regulations include approval to provide a bus service, price setting, requirements for schedules and routes, and market exit restrictions. These economic regulations were intended to maintain the quality, predictability, and safety of passenger motor carrier (bus) service. Economic regulations of the bus industry allows the opportunity to ensure that unprofitable and break-even routes are continued and are cross-subsidized by profits from such sources as other routes, bus parcel service, and profitable charter service.

The tourism industry advises that opening up the province would provide a boost to existing operators who are eager to expand and to new operators who want to get into the Nova Scotia tourism market.

On the other hand, existing passenger motor carriers contend that removal of the entry barriers would compromise safety and jeopardize services to unprofitable routes, resulting in a decline in service reliability and quality.

Government opted for further consultation about economic deregulation of the bus industry before any changes will be made. Subsequently, stakeholders have not presented any new proposals on the economic deregulation of the bus industry. Also, while a 2002 Senate committee recommended movement towards a deregulated environment for extra-provincial bus transportation, the federal government has yet to move this issue forward.

Other Issues

The following issues were identified through the consultation process.

Occupational Health and Safety Education and Awareness

The responsibility of government does not end with the publication of a regulation. New or complex rules may need to be accompanied by information campaigns to ensure that they are understood. This became evident to the task force during the consultations. Many small businesses and community development organizations do not understand the requirements of the Occupational Health and Safety (OH&S) Act and regulations. Many reported requirements that either did not apply to them or were in fact beyond the actual requirements of the act and regulations. They perceived that the requirements were overly onerous and beyond reason. The task force concluded that an education and awareness campaign on the OH&S Act and regulations was required.

Subsequently, the Department of Environment and Labour developed a communication strategy to improve awareness and understanding of the requirements of Nova Scotia's OH&S legislation in March 2003. It was modified to reflect the transfer of education and promotion programming from the department to the Workers' Compensation Board (WCB), in accordance with the government's response to the Dorsey Report on the Workers' Compensation Act. The education and prevention units of the department's OH&S division were transferred to the WCB to make the board more accountable for health and safety prevention initiatives.

During the program transfer, the department continues to support a number of education and awareness initiatives. These include tools for small business that are posted on its OH&S website, improvements and additions to the website, additional brochures and user guides, and education sessions offered with the WCB.

In addition, the department, the WCB, the Workers' Compensation Appeals Tribunal, and the Workers' Advisers Program are developing a strategic plan for the Nova Scotia workplace safety and insurance system. The mission statement for the plan, "helping employers and employees reduce occupational injury and disease," has been discussed with stakeholders.

On-site Disposal Systems Approval Process

Home builders called for improvements to the On-site Disposal Systems Approval Process. When a proposed building project requires an on-site sewage disposal system, municipal units require that the Department of Environment and Labour approve the installation before they will grant a building permit. In 2000–2001, the average turnaround time was 40 days. By 2002–2003, the turnaround time had been reduced to 28 days. The department's objective is to decrease average turnaround time to 20 days by 2004–2005 (50 per cent decrease from 2000–2001 base-year data) Reduced turnaround times benefit developers and home builders by minimizing construction delays.

Legacies of the Red Tape Reduction Task Force

In its 2001 report, the task force recommended that formal processes and tools be put in place to embed red tape avoidance in all future legislative and regulatory preparation. These tools and processes have been adopted and implemented.

The task force introduced a regulatory impact analysis tool (Red Tape Reduction Checklist). The impact assessment includes a thorough analysis of the problem, testing of other policy instruments available to government, and determination that regulation is the most appropriate intervention and that the proposed intervention will solve the problem for which it is intended. Further, it helps to ensure that administration of the regulation is efficient and not overly costly to business or to government. It also reinforces the importance of consultation with stakeholders and the need for harmonization with other jurisdictions.

The office of the Treasury and Policy Board (TPB) will maintain its red tape reduction oversight function. Whenever a proposal is made to add, revise, or eliminate regulations, it must be submitted to Executive Council for approval. Before the proposal goes to Cabinet, TPB staff complete an assessment, ensuring that all required documents—including the Red Tape Reduction Checklist—are included. The TPB analyst then provides staff advice to Executive Council and its committees.

Every year, as government department and agencies begin their business planning cycle, TPB and the Office of Economic Development will call together a roundtable of business leaders to discuss additional red tape reduction efforts they would like to see.

Departments with regulations that affect business must include red tape reduction strategies in their annual business plans. Each of these departments must identify red tape reduction/regulatory review as a separate strategic goal and identify specific priorities aimed at achieving intended outcomes. In their annual accountability reports, these departments must then report their progress in meeting their intended goals.

This planning and accountability framework places the onus on departments to ensure that their regulations are relevant and their administrative processes are efficient.

Principles Learned

Even though the red tape reduction initiative only started in May 2000, we in Nova Scotia are not far behind other jurisdictions in Canada. Focus on reducing unnecessary red tape must continue, and we must take a new approach to crafting, amending, and repealing regulations. What follows are principles to guide departments in the early stage of developing and assessing proposed new regulations and amending existing regulations.

- The regulatory environment should both protect the public and facilitate economic prosperity. Reducing red tape does not mean compromising health, safety, environmental, or labour standards.
- Intervention by government may or may not be needed. If it is determined that government intervention is required, the intervention must be consistent with the policy objectives of government.
- Regulation is one instrument available to government; all instruments should be considered. Alternatives to regulation such as voluntary standards, economic incentives, performance standards, negotiated compliance, codes of practice, self-regulation, quality assurance programs, etc., should also be considered.
- Policy makers need a clear understanding of the different policy instruments, and the needs and concerns of the various stakeholders.
- Affected parties should be consulted early and throughout the process. Benefits accrued will likely be a more effective regulation and easier implementation.
- Completing a risk assessment to assess probability and seriousness of an incident and its impact on people and property will help to set priorities in the most cost-effective manner. Frequency of inspection should be aligned with level of risk.
- The benefits of regulation should outweigh the costs, and the tangible benefits should be demonstrated. How these benefits justify the cost of implementation, administration, compliance, and monitoring to government, firms, and individuals must be rationalized.
- Interjurisdictional conflicts should be minimized to reduce confusion and duplication. Harmonization leads to greater consistency across Canada. It promotes regional and national regulatory efficiency and facilitates trade.

- Regulations should be designed to be outcome-based rather than highly prescriptive. Highly prescriptive regulations tend to be rigid, and given the pace of societal, environmental, and economic changes, they quickly become out of date.
- Regulations should be written in plain language. It is difficult to comply with a regulation if you do not understand it.
- The proposed regulation must stand up to scrutiny and be deemed fair and enforceable. If it is not enforceable, it should be amended or scrapped.
- Administrative procedures must be efficient, effective, and client-focused. Paper burden, response time, duplication, and jurisdictional overlap should be kept to a minimum.
- Provisions for periodic review should be built into the regulation. Periodic review provides an opportunity to keep the regulation current and eliminate irrelevance, redundancy, and unnecessary red tape. Departments with regulations that affect business must identify red tape reduction and/or regulatory review as a separate strategic goal in their business plans and identify priorities to achieve intended outcomes, and report annually on how they are meeting their goals.
- The responsibility of government does not end with the release of a regulation. New or complex rules may need public awareness or information campaigns to ensure that those affected are made aware of the regulation and that they understand it.
- Monitoring compliance and measuring outcomes will determine if the regulation is effective. If the policy objectives are not being achieved, the regulation may need to be amended or replaced.
- What gets measured, gets done. The Nova Scotia Office of Economic Development published the first *Business Climate Index* in June 2002. Data compiled for the index helps pinpoint areas where Nova Scotia needs to improve. This information should be used to develop an action plan to address problem areas.

Conclusions

The Red Tape Reduction Task Force has fulfilled the mandate it received in 2000. It delivered recommendations to reduce red tape and laid the foundation for a new red tape reduction culture across the public service.

Red tape reduction must be an integral part of government's corporate culture. Guided by red tape reduction principles and with the use of tools and processes developed by the task force, attention to regulatory review and reduction of unnecessary red tape will continue well beyond the term of the task force.

Under such a regime, business can thrive in a way that is acceptable to the people who live here.

Appendix
Review of Legislation and Regulations

Department of Agriculture and Fisheries

Fisheries and Coastal Resources Act

Regulation	Improvements	Status
Fish Inspection Regulations	Added an offence section, clarified "licence holder," and reflected proposed amendments to the Fish Buyer Licensing and Enforcement Regulations; supported "show cause" hearing proceedings necessary for enforcement	Regulatory amendments approved May 27, 2004, OIC 2004-234
Fisheries and Aquaculture Loan Regulations	Realized efficiencies from the merging of the separate Fisheries and Agriculture departments	Administrative efficiencies evaluation complete; no merger-related changes necessary
Sea Plants Harvesting Regulations	Streamlined licensing requirements	Regulatory amendments approved May 25, 2001, OIC 2001-240

Fisheries Organizations Support Act

	Simplified members' voting procedures to determine whether license holders wanted an organization to represent their interests in the region	Regulatory amendments approved December 21, 2001, OIC 2001-618

Agriculture Administration Act

Regulation	Improvements	Status
	Removed appointments to 16 Fences and Detention of Stray Livestock Committees; eliminated the Farm Registration Advisory Committee; assigned some of its responsibilities to the Farm Registration Appeal Committee	Amendments received Royal Assent May 30, 2002

Agriculture and Marketing Act

	Eliminated the Artificial Insemination Board, Apple Maggot Control Board, and outdated regulations	Amendments proclaimed June 1, 2002
Hatchery and Flock Approval Policy Regulations	Canadian Food Inspection Agency regulations cover hatchery standards and registration in Nova Scotia	Regulations repealed November 15, 2002, OIC 2002-505
Improvement of Livestock Breeding Regulations	All disease issues to be managed under federal regulations	Regulations repealed November 15, 2002, OIC 2002-505
Apple Maggot Control Regulations	Streamlined appointment of inspectors, harmonized pre-harvest inspection with requirements of the Canadian Food Inspection Agency	Regulations respecting the Apple Maggot Control Board repealed; replaced by regulations approved August 16, 2002, OIC 2002-373
Beef and Veal Carcass Grading Regulations	Eliminate duplication with the federal government regulations	Regulations to be repealed; grading now responsibility of the Canadian Beef Grading Agency; follows federal regulation

Regulation	Improvements	Status
Community Pasture Regulations	Regulations no longer needed	Community pastures now privatized; fees for pasturing cattle to be repealed; after standards for maintaining pastures are in lease agreements, all regulations will be repealed, as time permits
Contagious Diseases among Bees Regulations		No changes proposed; industry supports the current regulations
Dressed and Eviscerated Poultry Regulations		Regulations to be repealed and combined with the Meat Inspection Regulations
Grading, Packing, Marking, Inspection, Advertising, and Sale of Eggs Regulations, Section 66	Eliminates duplication with federal regulations; update remaining regulations	Consultation with industry ongoing
Hog Carcass Grading Regulations	Eliminates duplication with federal regulations	Regulations to be repealed; grading now the responsibility of the industry, monitored/audited by the Canadian Food Inspection Agency, following federal regulations
Lamb and Mutton Carcass Grading Regulations	Eliminates duplication with federal regulations	Regulations to be repealed; grading is now the responsibility of the Canadian Sheep Federation, monitored/audited by the Canadian Food Inspection Agency, following federal regulations
Packaged Apples Controlled Atmosphere Designation/Commodity Designations List	Marginal enforcement activity	No regulatory changes proposed; industry supports existing regulation; consultation with Nova Scotia Fruit Growers' Association to continue

Agriculture and Marketing Act

Regulation	Improvements	Status
San Jose Scale		Regulation has not been used since the 1960s; better left in place on the remote chance of an outbreak; these regulations are not a deterrent to business
Wool Grading Regulations		Regulation has not been used since the 1970s; consultations with the Nova Scotia Sheep Producers, Wool Marketing Board, and known wool buyers to be completed in 2004–2005; if there is agreement that wool grading regulations are no longer needed, they will be repealed

Agriculture and Rural Credit Act

Nova Scotia Farm Loan Board		No changes recommended

Animal Health and Protection Act

Regulation	Improvements	Status
		• Federal government tends to rely on the provinces to identify disease issues, such as a poultry disease (ILT); a committee was struck to review the province's position on ILT and exhibition poultry, starting in January 2004 • The department completed an internal review of regulations necessary to protect the portion of the commercial livestock industry that does not fall under federal regulation; a complete review of animal health legislation began in 2003–2004, which incorporates red tape reduction recommendations; committee work continues

Bee Industry Act

Bee Industry/Diseases and Pests Affecting Bees	Provincial Apiarist position eliminated in 2000–2001; alternative delivery will be reviewed	No changes planned; there is strong industry support for these regulations

Cold Storage Plants Loan Act

		Recommend repeal of the act and regulations

Crop Insurance Act

Regulation	Improvements	Status
Operational framework for the delivery of crop insurance programs and series of crop insurance plans, such as blueberries, corn, potatoes, and winter grain	Updates the delivery of crop insurance programs	• New plans in place for blueberries, corn, potatoes, soybeans, and spring and winter grains; work to update plans for other crops is ongoing • New operational document is planned for 2004
Beef Cows/Calves Diseases Plan Regulations		Plan has been inactive since the mid-1980s; better left in place on the remote chance of a disease outbreak; regulations are not a deterrent to business

Dairy Commission Act

General Regulations/Milk Production Regulations (Schedule 1 and 2)	• Dairy Industry Act, proclaimed April 1, 2001 repealed the Dairy Commission Act and placed regulation of the dairy sector under a single agency, the Natural Products Marketing Council, along with that of other regulated agriculture commodities • Repealed the Nova Scotia Dairy Industry Advisory Committee, Schedules 6, 7, 9, and 10 • Shifted some Dairy Commission responsibility to the milk producers • There is also a move to a lesser regulation	The Dairy Commission regulations remain in force under the Dairy Industry Act until replaced by new regulations; revisions to replace these regulations are ongoing and amendments to regulations are a routine/ongoing activity

Farm Registration Act

Regulation	Improvements	Status
	Changed the system for refunding registration fees and approving forms and eliminated a committee	• Regulations approved March 1, 2002, OIC 2002-92 • Agriculture Administration Amendment Act received Royal Assent May 30, 2002

Imitation Dairy Products Act

	National committee is working on a system that would eliminate separate provincial legislation; the provinces would then rely on the Canadian Food Inspection Agency's regulations; products admitted to Canada by the federal government could move freely between provinces	After national standards are established, consultations with the industry will be held, and a recommendation to repeal the redundant provincial regulations is likely; should be complete in 2004–2005, but also depends on other provinces

Livestock Health Services Act

	• Program administered by a Quality Evaluation Services Advisory Board to make recommendations on issues; two livestock producers to do spot audits on large-animal practices claims • Eliminated 22 Livestock Health Services Boards • Additional administrative changes made	Amendments received Royal Assent on June 1, 2001

Livestock Loans Guarantee Act

Regulation	Improvements	Status
Livestock Loans	Problems guaranteeing loans made by lending agencies and not repaid by the producer have been resolved	Agriculture Administration Amendment Act, 2001, repealed the Livestock Loans Guarantee Act; regulations have been repealed

Beef Commission Act

	More efficient administration	Agriculture Administration Amendment Act, 2001, eliminated the Nova Scotia Beef Commission

Eastern Nova Scotia Exhibition Commission Act

	Governor in Council appointment no longer required	Agriculture Administration Amendment Act, 2001, amended the Eastern Nova Scotia Exhibition Commission Act

Margarine Act

	Federal labelling laws would become the standard, providing consumers free choice and informed decision making	After national standards are established, consultations with the industry will be held, and a recommendation to repeal redundant provincial regulations is likely; should be complete in 2004–2005, but depends on other provinces

Meat Inspection Act

Regulation	Improvements	Status
		• Complete review of the regulations was undertaken prior to discovery of BSE in Western Canada • There is growing demand for provincial meat inspection resources as there are no federally licensed slaughter facilities in Atlantic Canada that process cattle • Regulatory changes will be required to address concerns created by BSE

Natural Products Act

• Chicken Marketing Plan and Regulations • Pork Marketing Plan • Egg Marketing Plan	New plans drafted by industry to reflect industry realities and the new approval process for regulations made under the plans; all are awaiting approval for form and authority	• Amendments to Chicken Marketing Plan Regulations approved March 1, 2002, OIC 2002-92, • Agriculture Administration Amendment Act received Royal Assent May 30, 2002

Timber Act

Timber Loan Board	Consulted with Department of Natural Resources and Woodlot Owners' Association	Regulatory changes have been proposed to Department of Natural Resources to allow lending to be determined by the Nova Scotia Farm Loan Board

Health Act (Municipal)

Regulation	Improvements	Status
Food Shop (Municipal)	New provincial regulations would replace individual municipal regulations	Draft regulations have been developed for approval under the new Health Protection Act (to be proclaimed)

Nova Scotia Grain and Forage Commission Act

Nova Scotia Grain and Forage Commission	Commission eliminated	Agriculture Administration Amendment Act, 2000, repealed Nova Scotia Grain and Forage Commission Act, March 23, 2001, OIC 2001-131
Purchase, Sale and Distribution of Grain	Activity has been privatized	Regulations repealed March 23, 2001, OIC 2001-131
Rates for Drying, Storage, Grading and Handling Grain	Activity has been privatized	Regulations repealed March 23, 2001, OIC 2001-131

Potato Industry Act

	Plant Pathologist position eliminated; alternative delivery under consideration	Regulations protect the industry from disease; they are not a detriment to business

Weed Control Act

Regulation	Improvements	Status
	• Regulations reviewed periodically to ensure that noxious weed list is relevant • Regulations are designed to prevent the spread of noxious weeds and are not business regulations; the act needs to be changed	Revised regulations approved December 19, 2003, OIC 2003-536

Wildlife Act

• Deer Farming • Marketing of Deer Products • Game Farming	New regulations in development	• Administration of these sectors was affected by restructuring of the department; administrative issues that arose have been resolved • Regulations to be combined into one and are part of the animal health legislation review project

Maritime Provinces Harness Racing Commission Act

	Amendments focused the commission on its regulatory responsibility, eliminated its marketing responsibility	Amendments received Royal Assent November 28, 2002; proclaimed March 1, 2003, OIC 2003-65

Office of Economic Development

Co-operative Associations Act

Regulation	Improvements	Status
	• New act addresses emerging and new issues not contemplated in the 1977 legislation; new regulations simplify procedures for starting, overseeing, and dissolving co-operatives • Service Nova Scotia and Municipal Relations now administers act; ties in with its business registration function	• Amendments received Royal Assent November 22, 2001 • Regulations approved November 2002, OIC 2002-490

Department of Education

Private Career Colleges Regulation Act

	Current regulations protect students who purchase training from private career colleges; establish standards for instructor qualification, program reviews, financial protection, and safety	Regulatory review completed; regulations will not be amended

Department of Energy

Pipeline Act

		Regulations amended May 31, 2002, OIC 2002-254; amended again in August 2004

Gas Distribution Act

Regulation	Improvements	Status
	Amended to eliminate ministerial approval of franchise amendments and permit the use of interim transportation tariffs	• Amendments to the Act received Royal Assent May 30, 2002 • Regulations amended May 31, 2002, OIC 2002-266

Underground Hydrocarbons Storage Act

	New Underground Hydrocarbons Storage Act and Code of Practice regulate development and use of underground reservoirs to help balance supply and demand for natural gas and gas liquids	• Received Royal Assent, November 2001; proclaimed December 6, 2002 • New Underground Hydrocarbons Storage regulations, December 6, 2002, OIC 2002-544

Department of Environment and Labour

Amusement Devices Safety Act

	Under review by a joint committee from all provinces and territories	• Amendments made March 28, 2002, OIC 2002-140 • Discussion paper for review of the act has been drafted

Steam Boiler and Pressure Vessel Act

	Move towards a national design registration system, eliminating separate provincial regulation	Act and regulations under review

Environment Act

Regulation	Improvements	Status
Activities Designation Regulations	Proposed amendments would enable selected activities to be conducted under a registration procedure rather than an approval procedure, provided that certain conditions are satisfied; application process would be simplified for clients without compromising the environment	Proposed amendments drafted for consideration
Approvals Procedure	• Department will continue efforts to streamline the approvals process to allow specified activities to proceed, based on generic codes of practice or environmental management plans • Proposed amendments to the Activities Designation Regulations will enable some activities that currently require an approval to proceed with prior registration	Review under way

Regulation	Improvements	Status
Environmental Assessment		• Department conducted comprehensive review of Environmental Assessment Regulations; background research and initial consultation with other provincial and federal departments completed; discussion paper drafted; public review is pending • Amendment made to the Environmental Assessment Regulations effective February 28, 2003, OIC 2003-67 • Discussions with Canadian Environmental Assessment Agency regarding a Bilateral Agreement on Environmental Assessment, initiated February 19, 2002; draft federal-provincial agreement being developed to harmonize respective environmental assessment processes; also meets one of the goals of the Nova Scotia Energy Strategy
Motive Fuel and Fuel Oil Approval	• Petroleum Storage Regulations repealed • Proposed changes to the Motive Fuel and Oil Approval Regulations can go forward	• Petroleum Management Regulations approved April 1, 2002, OIC 2002-139 • Discussions under way to move administrative component to Service Nova Scotia and Municipal Relations
On-site Sewage Disposal Systems	A follow-up review, after the October 2001 changes, resulted in additional proposed changes to the regulations	Updated October 2001

Environment Act

Regulation	Improvements	Status
• Elevators and Lifts • Incline Chair Lifts • Nova Scotia Safety Standard for Elevating Devices for the Physically Disabled	• New regulations replace separate regulations for Incline Chair Lifts and Standards for Elevating Devices for Physically Disabled • Changes improve public safety by aligning inspection frequency with level of risk and standardizing service-provider qualifications • Amendments clarify safety responsibilities of owners and service contractors • CSA B355 adopted	Amendments received Royal Assent May 30, 2002; came into effect February 2003
Pension Benefits	Filing requirements for Defined Contractor Plans and Financial Institutions reduced	• Amendments received Royal Assent May 30, 2002; act and regulations effective January 1, 2003 • Regulations repealed December 20, 2002, OIC 2002-607

Crane Operators and Power Engineers Act

Stationary Engineers	• New act/regulations replaced Power Engineers Act and Regulations and Crane Operators Act and Regulations • Part of national certification program • A single inspector will provide inspections under this act and the Steam Boiler and Pressure Vessel Act	• New act effective September 2001 • Regulations respecting stationary engineers repealed August 23, 2001, OIC 2001-412; new regulations approved

Coal Mines Regulation Act

Regulation	Improvements	Status
Coal Mines	• Underground Mining Regulations, effective November 2003, developed in consultation with an industry-based committee, reflect current technologies and practices • Regulations define duties and responsibilities for employers and employees of underground mines; establish training requirements and qualifications for mine workers; technical specifications for safe mine operation	• Coal Mines Regulation Act repealed • General Blasting Regulations amended OIC 2003-355, effective Nov 8, 2003
Fees for Certificates of Competency	Government-run certification replaced with employer-based competency designation	

Metalliferous Mines and Quarries Regulation Act

	Quarry regulations included in the Occupational Safety General Regulation	Act and associated regulations repealed
Rule 256 (Height and Face)	Updated requirements included in Occupational Safety General Regulation	Act and associated regulations repealed
Rule 279 (Protection from Moving Parts)	Updated requirements included in Occupational Safety General Regulation	Act and associated regulations repealed
Use of Electricity in Mines	Updated requirements included in Occupational Safety General Regulation and the Underground Mine Regulations	Act and associated regulations repealed

Electrical Installation and Inspection Act

Regulation	Improvements	Status
Electrical Code Regulations	Draft amendments would give Chief Electrical Inspector authority to approve inspection processes of province's private utilities	Proposed amendments have been drafted

Fire Prevention Act

• Automatic Sprinkler System Maintenance • Class 1 Flammable Liquid Portable Containers • Egress from Building • Fire Prevention Advisory Council • Portable Fire Extinguisher Control	• Several regulations combined under one new Fire Safety regulation • New Fire Safety Act and regulations, and amendments to the Elevator and Lifts Act and regulations, also provide for implementation of risk-based inspections	• Fire Safety Act passed spring 2002; came into effect in February 2003 • Automatic Sprinkler System Maintenance Regulations and Portable Fire Extinguisher Control Regulations repealed and replaced by one general Fire Safety Regulation under the Fire Safety Act, OIC 2003-83

Lightning Rod Act

Standardization of Equipment and Methods of Installation	• Act and regulation eliminated • Standard to be introduced under a simplified regulation of the Fire Safety Act	

Standard Hose Coupling Act

	Simplified regulation; the Fire Safety Act	Act was repealed; replaced with standards under Fire Safety Act general regulation

Building Code Act

Regulation	Improvements	Status
	Clarify and assign authority for Building Code Act and Nova Scotia Building Advisory Committee to Environment and Labour, from Service Nova Scotia and Municipal Relations	Transfer of authority effective September 13, 2002, OIC 2002-401
• Sprinklers requirements • Barrier-free access requirements	Eliminates inconsistencies, redundancies, and conflicts	Discussion papers addressing sprinklers and barrier-free access released in late fall 2002; proposed amendments under development

Liquor Control Act

Liquor licensing	Amendments lengthen maximum licensing term from 12 months to three years	Amended January 11, 2002, OIC 2002-8

Gaming Control Act

Ticket Lotteries	Changes maximum term from 12 months to three years	Amended January 11, 2002, OIC 2002-9
Bingos	• Low-revenue charitable bingo operators now exempt from certain licence and reporting requirements • Allows charity bingos to retain more profit • Lengthens maximum licensing term from 12 months to three years	Amended January 2002, OIC 2002-10

Department of Justice

Costs and Fees Act

Regulation	Improvements	Status
• Fees and Allowances for Registrar of Deeds, Sheriffs and Courts (157/2002) • Justice of the Peace Fees (120/2002) • Commissioner of the Supreme Court Fees (33/2002) • Department of the Attorney General Fees (33/2002) • Department of Natural Resources fees		Amended March 2002, OIC 2002-128

Private Investigators and Private Guards Act

	New regulations being drafted; will make the licensing and supervision process more transparent	

Probate Act

Form(s) of Advertisement	Royal Gazette process has simplified advertising	Amended September 17, 2001, by OIC 2001-450

Department of Natural Resource

Conservation Easements Act

Regulation	Improvements	Status
	• New Conservation Easements Act allows conservation organizations to enter into easements with landowners without government involvement; previously each had to be separately approved by OIC and there was no value added by government • Regulations respecting conservation organizations and natural areas designations were repealed	• Conservation Easements Act effective January 18, 2002, OIC 2002-16 • New regulations came into effect January 18, 2002, OIC 2002-32

Court and Administrative Reform Act

Ministerial Land Transaction		Amendments July 26, 2001, OIC 2001-353

Land Holdings Disclosure Act

	• Voluntary Planning held province-wide consultations on non-resident land ownership in 2001 • New Land Registration Act to be implemented between March 2003 and March 2005 will consolidate information about private land ownership • SNSMR to administer	Land Registration Act roll-out under way

Special Places Protection Act

Regulation		Improvements	Status
		Review undertaken by the Department of Natural Resources in 2002	

Mineral Resources Act

3–8	Boundaries of Mineral Lands	Computerized automation with online staking would be more accessible	
17–19	Transfers	Remove Regulation 19, which provides for filing of caveats on mineral claims, a non-consequential, cumbersome instrument; permits would be eliminated when amendments proclaimed	Awaiting Underground Mine Regulations
20	Prospecting	Could be eliminated without harm but stakeholders believe it provides a useful service	
21–31	Exploration Licence	Tendering, seen as a fair resolution process, is used to break a tie when one or more applicants file claims simultaneously; other methods (e.g., random draw) could be used, but these are not recommended or under consideration	Amendments to the act would be required

Regulation		Improvements	Status
32–48	Assessment of Work	DNR must maintain responsible standards of assessment reporting to ensure integrity of geological records on file	
57–61	Mining Lease	Upon proclamation, "Mining Lease" will be redefined as "Mineral Lease"; information requirements strengthened	
62–65	Mining Permit	Upon proclamation, Mining Permits will be eliminated	
66–68	Milling Permit	Upon proclamation, Milling Permits will be eliminated	
72	Water Supply Areas	Could be eliminated; Water supplies protected under the Environment Act	
73	Uranium Encounters	This regulation could be eliminated No other jurisdictions have similar provisions in regulation	

Provincial Parks Act

			Natural Resources is in the initial stages of reviewing the Provincial Parks Act

Treasure Trove Act

Regulation	Improvements	Status
	Could be transferred to Tourism, Culture and Heritage so that all provisions related to treasure are coordinated by the same department	

Trails Act

	One designation has been made under the Trails Act; the regulations are no longer relevant; designation process is cumbersome and time consuming	Department is working with the Sport and Recreation Commission on a new act to allow provincial groups to register their trails and immediately gain limited liability and other advantages they find attractive

Forests Act

• Christmas Tree Levy • Christmas Tree Grading • Timber Loan Board • Forest Fire Protection	DNR is developing a plan of action to address forestry-related issues raised during the Red Tape consultations	Wildlife Habitat and Watercourses Protection Regulations amended effective December 20, 2002, OIC 2002-609

Wildlife Act

• Firearm and Bow Regulations, 2002-268 • Moose Hunting Regulations, 2002-269 • Fur Harvesting Regulations, 2002-270	Regulations under the act are reviewed annually because of changing wildlife populations, stakeholder interests and public demands	• Amendments received Royal Assent November 22, 2001 • Regulations amended by OIC, June 2002

Service Nova Scotia and Municipal Relations

Shopping Centre Development Act

Regulation	Improvements	Status
	Enacted in 1979, provided public and municipal input into the location of shopping centres, at a time when few municipalities had planning policies in place; now, most municipalities have planning policies	Act repealed effective April 1, 2002, OIC 2002-98

Land Registration Act

	• Land Registration Act (LRA) and associated process changes convert 250-year-old paper-based land registry into a land parcel and electronic registry system • First implemented in Colchester County, March 24, 2003; all counties will be using new system by March 2005 • More cost-effective and offers considerable benefits to the consumer; once a parcel is brought into the new system, the province guarantees the ownership of the land; future transactions will be completed faster and more economically	Regulatory amendments approved effective March 24, 2003, OIC 2002-580; effective March 24, 2003, OIC 2002-581

Regulation	Improvements	Status
Land Registration General Regulations	Establish the proclamation date for the LRA, establish registration districts, provide transition provisions, authorize the Minister to enter into agreements with the Nova Scotia Barristers' Society (NSBS) and lawyers to register parcels, set land registration fees, and designate Colchester as the first land registration county	Regulatory amendments effective December 1, 2003, OIC 2003-383
Land Registration Administration Regulations (Ministerial Regulations)	Provide guidelines for business processes under the Land Registration Act, define terms, and establish standard forms to assist those using the system	Approved September 26, 2003 (repeal and replace regulations approved March 17, 2003)
Collection Agencies Act		
	Harmonized list of prohibited collection practices, agreed upon by all provinces, will improve protections for debtors and offer collection agencies essentially the same regulations regardless of where they operate in Canada	Amendments received Royal Assent October 30, 2003; will be proclaimed in tandem with similar amendments in other jurisdictions

Cemetery and Funeral Services Act

Regulation	Improvements	Status
• Cemetary and Funeral Services Act Regulations • Operators of Crematoria Regulations		• Review of Nova Scotia's funeral services industry legislation and regulations has begun • Following consultations with stakeholders, SNSMR will request amendments to the act and regulations

Embalmers and Funeral Directors Act

		• Review of Nova Scotia's funeral services industry legislation and regulations has begun • Following consultations with stakeholders, SNSMR will request amendments to the act and regulations

Consumer Protection Act

Regulation	Improvements	Status
	• Consumer Affairs ministers have agreed to a legislative template that would harmonize cost-of-credit disclosure requirements across Canada • Proposed amendments make it easier for lenders and lessors to operate on a national basis, while strengthening and harmonizing consumer protection across the country	• SNSMR will request regulatory amendments to the Consumer Protection Act, in support of Bill 76, which received Royal Assent November 22, 2001
Internet Sales Contract Regulations	Amendments based on a template being adopted across Canada to harmonize protections for consumers who shop over the Internet	• Regulations made June 28, 2002, OIC 2002-327 to support amendments to the act introduced by Bill 76 • Amendments and regulations have not been proclaimed

Mortgage Brokers' and Lenders' Registration Act

Regulation	Improvements	Status
	• Consumer Affairs ministers have agreed to a legislative template to harmonize cost-of-credit disclosure requirements across Canada • Proposed amendments make it easier for lenders and lessors to operate on a national basis, while strengthening and harmonizing consumer protection across the country	SNSMR will request regulatory amendments to the Mortgage Brokers' and Lenders' Registration Act, supporting Bill 76, which has been passed

Direct Sellers' Regulation Act

	Requirement for a trust account has been eliminated and definition of direct selling has been simplified; Nova Scotia now conforms to Canada-wide standards for cancellation rights and contract wording	

Residential Tenancies Act

Regulation	Improvements	Status
	• Residential Tenancies Boards were eliminated • Appeals of Directors' Orders are now heard in Small Claims Court	• Bill 144 received Royal Assent November 28, 2002 • Act and regulatory amendments, OIC 2003-32, came into effect February 1, 2003

Condominium Act

	Changes made to simplify and streamline the regulations, e.g., mandatory arbitration process to resolve disputes, removal of buy-out clauses	Regulatory amendments February 16, 2000, OIC 2000-57

Companies Act

• Companies Act Regulations • Table A, Regulations for Management of a Company Limited by Shares		• Review process to amend the act and its regulations should start in 2004 • Proposed amendments will be based on stakeholder consultation

Corporations Registration Act

Regulation	Improvements	Status
Province of New Brunswick Exemption Designation	Information filed during business registrations in New Brunswick would become available online if the business later registered in Nova Scotia; part of an effort to harmonize registration processes across Canadian jurisdictions	SNSMR is engaged in a pilot project with Industry Canada to coordinate registration procedures, which may lead to legislative and regulatory changes in the future

Partnership and Business Names Registration Act

• Partnership and Business Names Registration Act Regulations • Province of Nova Scotia Exemption Designation	• Clarification of business naming policies would make it easier for clients to register business names, possibly reduce delays and disputes • Potential amendments will depend on a review of SNSMR's policy	No time frame has been set for this review

Department of Tourism, Culture and Heritage

Tourist Accommodations Act

Regulation	Improvements	Status
	• New and less-intrusive regulations prepared in consultation with the industry; combining similar regulations for fixed-roof accommodations and campgrounds reduced the number of regulations from 134 to 82 • Removing definitions for specific types of accommodations means government is no longer dictating definitions to business • Removing requirement for operators to publish guaranteed rates in the travel guide gives operators greater flexibility to set rates based on the season and business needs • Other changes include removing regulations pertaining to other government departments, incorporating bunk beds in the regulations to benefit hostels, adding requirements to ensure visitor safety (door locks), and increasing campground lot sizes to allow larger recreational vehicles	• The department and operators of fixed roof accommodations and campgrounds worked together to review, recommend, and implement regulatory amendments • Amendments, November 6, 2003, OIC 2003-461

Tourist Accommodations Act (continued)

Regulation	Improvements	Status
	• Tourist accommodations licenses issued under the act will be processed through the Nova Scotia Business Registry, improving service to tourism operators, streamlining the licensing process, reducing red tape, improving compliance rates, expanding government's one-window service offerings, and achieving efficiencies within government	

Bell Museum Act

	Act can be repealed, since the facility has been transferred to the federal level	Legislation may be repealed as part of an omnibus bill

Department of Transportation and Public Works

Motor Vehicle Act

Regulation	Improvements	Status
Parking Meter Regulations; Town of Digby, Town of Lunenburg, Town of Truro	The province no longer has designated "main traveled" and "through" highways within towns; provincial/municipal co-approval of such regulations may not be needed	The towns of Digby and Lunenburg have developed their own set of regulations that will govern "main travelled" and "through" highways."
Parking Regulations for the Town of Shelburne	The province no longer has designated "main traveled" and "through" highways within towns; provincial/municipal co-approval of such regulations may not be needed	The town of Truro is working on developing their set of regulations and until that time the current regulations will be applicable.
Public Passenger Motor Carrier Regulations	Commercial passenger vans required to meet standards for safety; levels the playing field for large and small operators	Department staff has consulted town officials. Further consultations are underway to come up with a amicable solution and removal of departmental jurisdiction over "main travelled" and "through" highways within towns.
Economic regulations		Regulations proclaimed in 2002; came into effect Jan. 1, 2003.